

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO THE CASE(S) ON THE EXHIBIT(S) ATTACHED
HERETO

**JOINT MOTION TO DISMISS CERTAIN DEFENDANTS WITH PREJUDICE
AND PLAINTIFFS' MOTION TO TRANSFER MDLS**

Plaintiffs in the cases listed on the attached Exhibit A and Defendants Ethicon, Inc., Ethicon, LLC, and Johnson & Johnson (collectively the "Ethicon entities"), to the extent the above-referenced Ethicon entities are named, advise the Court that they have compromised and settled all claims between them in these actions, including all counterclaims, cross-claims and third party claims. Accordingly, they jointly move the court to dismiss the Ethicon entities as defendants in these actions with prejudice, each party to bear its own costs.¹

Other defendants, including American Medical Systems, Inc., remain in these actions, and plaintiffs will continue to prosecute these actions against them. To that end, Amended Short Form Complaints have been or will be filed against the remaining defendants.

Further, plaintiffs move to transfer these actions from MDL 2327, In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation to: MDL 2325. Plaintiffs herein filed Complaints or Short Form Complaints in MDL 2327 against the Ethicon entities, and others. Within fourteen (14) days of filing of this motion, plaintiffs will file Amended Short Form

¹ The parties jointly move to dismiss the Ethicon entities with prejudice and terminate them from the Court's docket in these matters; the signatures for the Ethicon entities on this motion relate only to the joint motion. The motion to transfer is made only by the plaintiffs.

Complaints that no longer include the Ethicon entities as named defendants.

Because the Ethicon entities are no longer named defendants in these cases, plaintiffs respectfully request that the Court: 1) GRANT the plaintiffs' motion to transfer these actions from MDL 2327 to MDL 2325; and 2) direct the Clerk to disassociate these civil actions as member cases in MDL 2327 and re-associate them with MDL 2325.

Respectfully:

/s/ Christy D. Jones

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Attorney for Plaintiffs on Exhibit A

EXHIBIT A – BLASINGAME BURCH GARRARD & ASHLEY, P.C.

| CIVIL ACTION NUMBER (listed numerically in ascending order) | CASE NAME |
|--|--|
| 2:14-cv-04847 | Patricia M. Swihart v. Ethicon, Inc., et al. |
| 2:14-cv-10794 | Dale A. Mitchell v. Ethicon, Inc., et al. |

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

By: /s/ Christy D. Jones